



THE COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JUDITH F. JUDSON
CHAIRMAN

JAMES CONNELLY
COMMISSIONER

W. ROBERT KEATING
COMMISSIONER

BRIAN PAUL GOLDEN
COMMISSIONER

By certified mail, return receipt requested and e-mail

August 10, 2006

Michael J. Naughton
30 Ryan Drive
Norwood, MA 02062

Re: Notice of Formal Hearing for Slamming Complaint
Docket Number: **06-SL-1**
Telephone Number(s) at Issue: **781-255-0619**

Dear Mr. Naughton:

Under M.G.L. c. 93, § 110(i), (j), the Department of Telecommunications and Energy ("Department") is required to hold a hearing to determine whether your original telecommunications provider was switched without proper authorization. The formal hearing is scheduled for **THURSDAY, AUGUST 31, 2006 at 10:00 a.m.**, and is to be held at the Department's offices at One South Station, Boston, Massachusetts. Please be advised that the Department's decision will be reached based on the information and evidence presented at the hearing. You must, therefore, come prepared with any papers or documents you wish to be considered and you must state your entire original complaint clearly for consideration by the Department. If any party fails to appear at the hearing, the Department may issue a decision against the party failing to appear and/or dismiss the case.

You will have the opportunity to question any witnesses the telecommunications providers present and the providers' attorneys will have the right to question you. A court stenographer will record everything that is said at the hearing and a transcript will be prepared and kept on file at the Department. The Company will be represented by legal counsel. You also have the right to be represented by an attorney, if you so desire, but you must make arrangements for such representation prior to the hearing.

If you dispute the Company's evidence, it is imperative that you attend the hearing. If you decide to resolve the matter with the Company prior to the hearing or to withdraw your complaint for any reason, please submit a letter to that effect to the Department. It is important to note that while companies found to have conducted an unauthorized switch of a consumer's telecommunications carrier may be fined in accordance with the provisions of G.L. c. 93, § 112(c), this will only occur after a determination that an unauthorized switch has occurred.

Also, consistent with 47 C.F.R. §§ 64.1140, 64.1160, if the Department determines after hearing that a slam has occurred, and you have not paid the bill of the slamming carrier, you will be absolved from paying any carrier for service for up to 30 days after being slammed. You will be required to pay any charges for service beyond 30 days to the authorized carrier, but at that carrier's rates, not the slamming carrier's rates. 47 C.F.R. § 64.1140. In addition, if the Department determines after hearing that a slam has occurred and you have paid the bill of the slamming carrier, the slamming carrier must pay the authorized carrier 150 percent of the charges received from you. Out of this amount, the authorized carrier will reimburse you 50 percent of the charges you paid. 47 C.F.R. § 64.1170.

If you have any questions regarding this case, please contact Andrea Saia at 617-305-3612.

Sincerely,

/s/

Mary L. Cottrell
Department Secretary

cc: Vincent Appruzzese, AT&T Communications of New England, Inc.
Jay E. Gruber, Esq., AT&T Communications of New England, Inc.
Alexander W. Moore, Verizon New England, Inc., d/b/a Verizon Massachusetts, Inc.
John L. Conroy, Verizon Massachusetts